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HOUSE BILL 372

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO LICENSING; INCREASING THE NUMBER OF SURVEYORS ON THE STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND SURVEYORS; REQUIRING NOTIFICATION OF THE GOVERNOR WHEN THE BOARD FILLS A VACANCY; UPDATING THE QUALIFICATIONS FOR APPOINTMENT TO THE BOARD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-23-5 NMSA 1978 (being Laws 1987, Chapter 336, Section 5, as amended) is amended to read:

"61-23-5. STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND SURVEYORS--MEMBERS--TERMS.--

A. There is created the "state board of licensure for professional engineers and surveyors", which shall consist of five licensed professional engineers, at least one of whom shall be in engineering education, [~~three~~] five licensed

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1 professional surveyors and two public members.

2 B. The members of the board shall be appointed by
3 the governor for staggered terms of five years. The appointees
4 shall have the qualifications required by Section 61-23-6 NMSA
5 1978. The appointments shall be made in such a manner that the
6 terms of not more than [~~two~~] three members expire in each year.
7 Each member of the board shall receive a certificate of
8 appointment from the governor. Before the beginning of the
9 term of office, the appointee shall file with the secretary of
10 state a written oath or affirmation for the faithful discharge
11 of official duty. A member of the board may be reappointed but
12 may not serve more than two consecutive full terms. A member
13 shall not be reappointed to the board for at least two years
14 after serving two consecutive full terms. The board may
15 designate any former board member to assist it in an advisory
16 capacity.

17 C. Each member may hold office until the expiration
18 of the term for which appointed or until a successor has been
19 duly qualified and appointed. In the event of a vacancy for
20 any cause that results in an unexpired term, if not filled
21 within three months by official action, the board may notify
22 the governor and appoint a provisional member to serve until
23 the governor acts. Vacancies on the board shall be filled by
24 appointment by the governor for the balance of the unexpired
25 term."

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1 Section 2. Section 61-23-6 NMSA 1978 (being Laws 1987,
2 Chapter 336, Section 6, as amended) is amended to read:

3 "61-23-6. BOARD MEMBERS--QUALIFICATIONS.--

4 A. Each engineer member of the board shall be a
5 citizen of the United States and a resident of New Mexico.
6 Each shall have been engaged in the lawful practice of
7 engineering as a professional engineer for at least ten years,
8 including responsible charge of engineering projects for at
9 least five years, or engaged in engineering education for at
10 least ten years, including responsible charge of engineering
11 education for at least five years, and shall be a professional
12 engineer licensed in New Mexico.

13 B. Each surveyor member of the board shall be a
14 citizen of the United States and a resident of New Mexico.
15 Each shall have been engaged in the lawful practice of
16 surveying as a professional surveyor for at least ten years,
17 including responsible charge of surveying projects as a
18 principal activity for at least five years, and shall be a
19 professional surveyor licensed in New Mexico.

20 C. Each public member shall be a citizen of the
21 United States, a resident of New Mexico, shall not have been
22 licensed nor be qualified for licensure as an engineer,
23 surveyor, architect or landscape architect and shall not have
24 any significant financial interest, direct or indirect, in the
25 professions regulated."

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1 Section 3. Section 61-23-9 NMSA 1978 (being Laws 1987,
2 Chapter 336, Section 9, as amended) is amended to read:

3 "61-23-9. BOARD--ORGANIZATION--MEETINGS.--

4 A. There shall be an "engineering committee"
5 composed of the five members of the board who serve as licensed
6 professional engineers and one of the public members, who shall
7 be appointed to the committee by the board. The engineering
8 committee shall meet in conjunction with all board meetings.
9 The bylaws or rules of the board shall provide a procedure for
10 giving notice of all meetings and for holding special and
11 emergency meetings. A quorum of the committee shall be a
12 majority of the committee. The committee shall elect a
13 chairman and vice chairman from the committee members at the
14 last committee meeting prior to July 1 of each year.

15 B. There shall be a "surveying committee" composed
16 of the [~~three~~] five members of the board who serve as licensed
17 professional surveyors and one of the public members, who shall
18 be appointed to the committee by the board. The surveying
19 committee shall meet in conjunction with all board meetings.
20 The bylaws or rules of the board shall provide a procedure for
21 giving notice of all meetings and for holding special and
22 emergency meetings. A quorum of the committee shall be a
23 majority of the committee. In the event of a lack of a quorum
24 and at the request of the committee, other qualified board
25 members may serve on this committee. The committee shall elect

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1 a chairman and vice chairman from the committee members at the
2 last committee meeting prior to July 1 of each year.

3 C. All matters that come before the board that
4 pertain exclusively to engineering or exclusively to surveying
5 shall be referred to the respective committee for disposition.
6 The committee action on such matters shall be the action of the
7 board.

8 D. The board shall hold at least four regular
9 meetings each year. At least one meeting shall be held at the
10 state capitol. The bylaws or rules of the board shall provide
11 procedures for giving notice of all meetings and for holding
12 special meetings. The board shall elect annually a chairman, a
13 vice chairman and a secretary, who shall be members of the
14 board. No member of the board shall be elected to the same
15 office for two consecutive full terms. A quorum of the board
16 shall be a majority of the board. Any board member failing to
17 attend three consecutive regular meetings is automatically
18 removed as a member of the board. The board shall have an
19 official seal."